

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Discipline)
)
of the Educator Certificate of)
)
Mack Henry Burgess)
)
Certificate 069942)

CONSENT ORDER OF PUBLIC REPRIMAND

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 9, 2016. On June 30, 2016, the South Carolina Department of Education (SCDE) sent Mack Henry Burgess a notice informing him that the State Board would meet to make a determination regarding possible disciplinary action of his educator certificate, by regular and certified mail, return receipt requested. After receiving the notice, Mr. Burgess informed the SCDE that he agreed to waive his right to a hearing and accept a public reprimand. After considering the information presented by the SCDE, the State Board voted to accept the Consent Order of Public Reprimand.

FINDINGS OF FACT

Mr. Burgess holds a valid South Carolina professional educator certificate and has over 45 years of teaching experience. He has no prior record of disciplinary action with the State Board. Mr. Burgess was employed by Williamsburg County School District (District) as an assistant principal at Kingstree Senior High School (School) at the time of an incident at the School.

On May 2, 2016, Mr. Burgess was involved in breaking up an altercation between two female students. Mr. Burgess grabbed one of the students and placed her in a choke hold to restrain her from further fighting. The student's mother filed a complaint against Mr. Burgess for excessive use of force. On May 9, 2016, Mr. Burgess was placed on administrative leave for the remainder of the school year. He was not considered for rehire for the 2016-2017 school year.

On June 30, 2016, the SCDE sent notice to Mr. Burgess informing him that the State Board would meet to make a determination regarding possible disciplinary action of his educator certificate by regular and certified mail, return receipt requested. After

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receiving the notice, Mr. Burgess informed the SCDE that he agreed to waive his right to a hearing and accept a public reprimand. After considering the information presented by the SCDE, the State Board voted to accept the Consent Order of Public Reprimand.

Mr. Burgess acknowledges that he has engaged in unprofessional conduct by failing to use appropriate judgement when he used inappropriate physical force against a student. He waives his right to a hearing and understands that the terms set forth are not subject to reconsideration, collateral attack or judicial review. Mr. Burgess consents to the public reprimand, subject to the following terms: (1) a Public Reprimand shall be issued by the State Board, (2) the Public Reprimand shall be reported to all school districts in South Carolina and (3) the Consent Order of Public Reprimand shall be posted on the SCDE's website and will be maintained as a public record in the SCDE's Office of General Counsel. After considering the evidence presented, the State Board voted to accept the Consent Order of Public Reprimand.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (Rev. 2004); The State Board may, for just cause, issue a public reprimand. 24 S.C. Code Ann. Regs. 43-58 (2011). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-2-160 (Rev. 2004). The State Board finds that the evidence presented supports its conclusion that just cause does not exist to suspend or revoke the educator certificate of Mack Henry Burgess and that the issuance of a Public Reprimand to Mr. Burgess by the State Board is an appropriate sanction in this matter. The State Board finds that the record outlined above demonstrates that Mr. Burgess engaged in unprofessional conduct as a result of the incident in which Mr. Burgess allegedly used inappropriate physical force against a student to restrain her from further fighting.

Now, therefore, it is hereby ordered that the Consent Order of Public Reprimand is accepted and issued to Mack Henry Burgess, certificate 069942. The public reprimand of Mr. Burgess, certificate 069942 shall be reported to all South Carolina school districts within thirty days from the date of this order.

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AND IT IS SO ORDERED.

South Carolina State Board of Education



Michael R. Brennan, Chair

Columbia, South Carolina

August 9, 2016

I, Mack Henry Burgess, S.C. Educator Certificate 069942, understand there has been an investigation concerning alleged violations of the laws and regulations governing the practice of educator certificate holders and that I have waived my right to a hearing in this matter. I understand that the terms set forth in this Consent Order of Public Reprimand are not subject to reconsideration, collateral attack or judicial review. I have read the Consent Order of Public Reprimand, consisting of three pages, and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented as signed to the South Carolina State Board of Education on August 9, 2015.



Mack Henry Burgess

7-25-16
Date